

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PETER GJERSØE,

Plaintiff,

v.

GETTY IMAGES, INC., a Washington
Corporation,

Defendant.

CASE NO. 2:23-cv-00367

ORDER GRANTING MOTION TO
AMEND COMPLAINT

This motion comes before the Court on Plaintiff's Motion For Leave to File His First Amended Complaint. Dkt. No. 12. Under Fed. R. Civ. P. 15(a)(1), a party may amend his pleading as a matter of course no later than 21 days after serving the complaint. *Compare Morris v. New York Gaming Comm'n*, 18-CV-00384V(F), 2019 WL 2423716, at *4 (W.D.N.Y. Mar. 14, 2019), *report and recommendation adopted*, 18-CV-384, 2019 WL 2423203 (W.D.N.Y. June 10, 2019) ("Because Plaintiff never served the original Complaint, the 21-day time limit to file an amended complaint under Rule 15(a)(1)(A) never commenced."), *with Henderson v. Wells Fargo Bank, NA*, 3:13CV378 JBA, 2015 WL 630438, at *2 (D. Conn. Feb. 13, 2015) ("Because Plaintiff has not yet served Defendant with the complaint, her [Fed. R. Civ. P. 15(a)] motion is granted although unnecessary because leave of the Court is not required.").

1 Plaintiff filed his complaint on March 14, 2023. Dkt. No. 1. Plaintiff represents that
2 Defendant has not been served in this matter. Dkt. No. 12. No counsel has appeared in this matter
3 on behalf of Defendant. *See* Dkt. Plaintiff has provided his proposed changes to the complaint as
4 required under LCR 15. Dkt. No. 12, Ex. A. And less than 90 days have passed since Plaintiff filed
5 his complaint. *See* Dkt. No. 1; Fed. R. Civ. P. 4(m). Finally, this Court should freely give leave to
6 amend a complaint when justice requires. Fed. R. Civ. P. 15(2).

7 The motion is GRANTED, and it is ORDERED that Plaintiff must file the amended
8 complaint attached to his motion within 14 days after entry of this order. Plaintiff is further
9 reminded that it is the obligation of the party seeking issuance of a summons to present the
10 summons to the clerk in proper form, prepared for issuance. LCR 4(a).

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12 Dated this 26th day of May, 2023.

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Jamal N. Whitehead
15 United States District Judge
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